IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 340 of 2005 (S/B)

Sibte Hasan,
S/o Sri Shabarati Hasan,
Presently serving as Stenographer Grade I,
In the office of Commissioner, Income Tax,
Kumaon Region, Haldwani,
Nainital. ……. Petitioner

Versus

1. Vinay Kumar Singh,
   S/o Sri Sambhu Saran Singh,
   R/o Kendranchal Colony,
   Neem Sarai, Allahabad,
   Presently serving as Stenographer Grade I,
   In the office of Commissioner, Income Tax,
   Allahabad.
2. Central Administrative Tribunal, Allahabad Bench,
   Allahabad through its Vice-Chairman.
3. Union of India,
   through Chairman,
   Central Board of Direct Taxes, New Delhi.
4. Chief Commissioner of Income Tax,
   Aaykar Bhawan, Ashok Marg,
   Lucknow. ……. Respondents

Mr. Manoj Tewari, Advocate for the petitioner.

JUDGMENT

Coram: Hon. Cyriac Joseph, C.J.
Hon. Irshad Hussain, J.

CYRIAC JOSEPH, C.J. (Oral)

1. The challenge in the writ petition is against Annexure 10 order dated 16.09.2003 passed by the Central Administrative Tribunal, Allahabad Bench in M.A. No. 3333 of 2003 in O.A. No. 1508 of 2002. As per the said order, the petitioner herein was impleaded as respondent No. 13 in O.A. No. 1508 of 2002. According to the petitioner, in view of the averments contained in the O.A. and the reliefs claimed in the O.A. he is not a necessary or proper party to the O.A. It is also stated that the petitioner filed Annexure 12 clarification application as well as recall application before the

Allahabad Bench of the Central Administrative Tribunal praying for clarifying / recalling the above-mentioned order dated 16.09.2003. It is further stated that even though those applications were filed in May, 2005, they have not been disposed of till date. According to the petitioner, he is being denied promotion by the Income Tax Department on account of the interim order passed in O.A. No. 1508 of 2002.

2. Having heard learned counsel for the petitioner and having considered the materials placed on record, we are of the view that the challenge against Annexure 10 order cannot be entertained at this stage. Admittedly, the petitioner has filed an application for recall of the said order before the Central Administrative Tribunal itself and the said application is stated to be pending. The petitioner should pursue the said application for recall before seeking the intervention of this Court against his impleadment in the O.A. Learned counsel for the petitioner submitted that in spite of the best efforts made by the petitioner, the application for recall has not been disposed of so far.

3. In the above circumstances, the writ petition is disposed of with a direction to the second respondent – Central Administrative Tribunal, Allahabad Bench – to consider and dispose of Annexure 12 recall application filed by the petitioner in O.A. No. 1508 of 2002 as expeditiously as possible and at any rate, within a period of two months from the date of production of a copy of this judgment.

The petitioner may produce a copy of this judgment before the Central Administrative Tribunal, Allahabad Bench for information and compliance.

(Irshad Hussain, J.) **(Cyriac Joseph, C.J.)**
21.12.2005 **21.12.2005**

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